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<b>FEE TRANSMITTAL</b> <b>For FY 2006</b>		Application Number	09/875,294
		Filing Date	June 7, 2001
		First Named Inventor	Stefan FIETKAU
		Examiner Name	John Sipos
		Art Unit	3721
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Attorney Docket No.	31512-172404	
<b>TOTAL AMOUNT OF PAYMENT</b>	<b>(\$)</b>	<b>.0</b>	

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: <u>22-0261</u> Deposit Account Name: <u>Venable LLP</u>
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

<b>FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
<b>Application Type</b>	<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>	<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>	<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>	<b>Fees Paid (\$)</b>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
							<b>Small Entity</b>
<b>Fee Description</b>							<b>Fee (\$)</b>
Each claim over 20 (including Reissues)							50
Each independent claim over 3 (including Reissues)							200
Multiple dependent claims							360
<b>Total Claims</b>							
- 20 or HP							
<b>Extra Claims</b>							
x							
=							
<b>Fee Paid (\$)</b>							
<b>Multiple Dependent Claims</b>							
<b>Fee (\$)</b>							
<b>Fee Paid (\$)</b>							
HP = highest number of total claims paid for, if greater than 20.							
<b>Indep. Claims</b>							
- 3 or HP =							
x							
=							
HP = highest number of total claims paid for, if greater than 3.							
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<b>Total Sheets</b>		<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>		<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	
- 100 =		/50	(round up to a whole number) x		=		
<b>4. OTHER FEE(S)</b>							
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge):							
Appeal Brief							0

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	33,074
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		Date:	06/19/06

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:

Stefan FIETKAU

Application No. 09/875,294

Confirmation No. 3721

Filed: June 7, 2001

For: METHOD OF AND APPARATUS  
FOR APPLYING ADHESIVE TO  
RUNNING WEBS OF PAPER AND  
THE LIKE

Art Unit: 3721

Examiner: John Sipos

Atty. Docket No.: 31512-172404

Customer No.

**26694**

PATENT TRADEMARK OFFICE

**APPEAL BRIEF**

Sir:

This is an appeal to the Board of Patent Appeals and Interferences from the final rejection set forth in the Office Action of January 20, 2006. Appellants timely filed a Notice of Appeal and a Request for an Extension of Time on April 19, 2006. This is the second Appeal Brief filed for this application as the Examiner re-opened prosecution in the August 5, 2005 Office Action.

Appellant submits herewith an Appeal Brief, pursuant to 37 C.F.R. §41.37(c). It is believed that no fee is required for the submission of this appeal brief. However, should an additional fee be required other than the amounts previously paid to the U.S. P.T.O., the Commissioner is authorized to charge Deposit Account no. 22-0261 for the purposes of maintaining the pending status of this application.

### **(1) REAL PARTY IN INTEREST**

The Assignee of this Application, and thus the real party of interest in this Appeal, is Hauni Maschinenbau Aktiengesellschaft, having a business address at Kurt-A. Körber-Chaussee 8-32, Hamburg, Germany D-21033.

### **(2) RELATED APPEAL AND INTERFERENCES**

No appeal or interferences is known to Appellant or the Appellant's legal representative for Assignee which would directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

### **(3) STATUS OF CLAIMS**

The Application was filed with claims 1-23.

Claims 1-18 were elected with traverse in Response to the Restriction requirement on February 28, 2003, and claim 1 was amended at the time of the election.

Claims 4, 10, 13, 17, and 18 were amended in the Amendment filed August 4, 2003 and claims 1-3 and 9 were cancelled. Claims 19-23 were withdrawn and new claim 24 was presented.

Claims 4, 5, 10, 17, 18, and 24 were amended in the Amendment submitted with the Request for Continued Examination, filed December 31, 2003. Claim 13 was cancelled and claim 25 was added by this same Amendment.

Claims 4-8, 10-12, 14-18, 24, and 25 were appealed when the first Appeal Brief was filed on June 14, 2005. In response, the Examiner re-opened prosecution by issuing an Office Action on

August 5, 2005.

On November 5, 2005, Appellants filed a response to the August 5, 2005 Office Action in which claim 14 was canceled and new claim 26 was added.

Claims 4-8, 10-12, 15-18 and 24-26 were finally rejected in the Office Action mailed January 20, 2006. These are the claims pending in the application, with claim 25 being the independent claim. Claims 1-3, 9, 13-14, and 19-23 have been cancelled.

Claims 4-8, 10-12, 15-18, 24, and 25-26 are appealed and set forth in the Appendix to this second Appeal Brief.

#### **(4) STATUS OF AMENDMENTS**

After the final Office Action dated January 20, 2006, Appellants filed the Notice of Appeal. No amendments were filed after the January 20, 2006 final Office Action that is being appealed.

#### **(5) SUMMARY OF THE CLAIMED INVENTION**

As shown in Figures 1-4, the invention of independent claim 25 is an improved method of applying a flowable substance to a web of wrapping material for rod-shaped products of the tobacco industry (page 2, lines 1-5 of paragraph [0002] of the substitute specification). A drawback of conventional methods has been the penetration of the flowable substance through the web which can cause contamination during the manufacturing process and damage the product. The present invention overcomes these problems by its method comprising the steps of: 1) confining the web

(27) to movement along a predetermined path (p. 9, lines 1-3 of the substitute specification); 2) directing at least one stream of flowable substance along the predetermined path in an at least partially non-linear manner toward one side of the web (see, e.g. Figure 4), wherein said directing step includes the utilization of a nozzle (50) having an orifice (52) which discharges the at least one stream of flowable substance, and includes rotating the stream, wherein said rotating step includes directing against the stream at least one flow of a fluid substance (page 9, paragraph [0020] of the substitute specification); 3) advancing the web (27) lengthwise along said path at a variable speed (page 10, paragraph [0024] of the substitute specification); and discharging the flowable substance from the orifice at a rate which is a function (68) of the speed of advancement of the web (27) along the predetermined path (page 10, paragraph [0023] and pages 20-21, paragraphs [0046] – [0047] of the substitute specification).

#### **(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The grounds of rejection for review are as follows:

A. Whether claims 4-8, 10-12, 15-18, and 24-26 are properly rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,311,899 to Hidaka *et al.* (hereinafter referred to as “Hidaka”) in view of U.S. Patent 5,226,432 to Pollentzke *et al.* (hereinafter referred to as “Pollentzke”), or alternatively, Pollentzke in view of Hidaka?

**(7) ARGUMENT**

**A. Whether claims 4-8, 10-12, 15-18, and 24-26 are properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Hidaka in view of Pollentzke, or Pollentzke in view of Hidaka.**

**1. Argument for claims 4-8, 17-18, and 25**

**The Examiner's Position**

According to the final Office Action dated January 20, 2006, the Examiner asserts that “Hidaka[allegedly] shows a method of applying substance to a web of material” including the confining step, the directing step and a discharging step of the claimed invention (page 2 of Final Office Action). The Examiner acknowledges that Hidaka lacks the control of the discharging of the adhesive as a function of the web speed at the bottom of page 2 of the Office Action. It is the Examiner’s position that Pollentzke shows the method of wrapping rod shaped products and column 8, line 11 of Pollentzke discloses applying adhesive proportional or nearly proportional to the speed of the advancing web. Thus, the rotating adhesive of Hidaka combined with the paster of Pollentzke renders obvious the claimed method. Appellant disagrees.

**Hidaka Does Not Disclose Confining a Web to Movement Along a Predetermined Path  
as Required by the Present Claims.**

Hidaka is directed to a nozzle device and a gun unit in an apparatus for applying adhesive

by spraying in a spiral form. Hidaka does not disclose a method of applying a flowable substance to a web of wrapping material for rod-shaped products of the tobacco industry as set forth in the preamble of claim 25. The web of the recited “confining step” is thus “a web of wrapping material for rod-shaped products of the tobacco industry”. MPEP 2111.02 II. states that the preamble must be read in the context of the entire claim. With respect to method claims, the preamble has been held to be limiting as the preamble is a statement of the intentional purpose for which the method must be performed. *Jansen v. Rexall Sundown, Inc.*, 342 F.3d 1329, 1333-1334, 68 USPQ2d 1154, 1158 (Fed. Cir.2000). Consequently, the preamble to the recited method claim is necessary “to give life, meaning, and vitality” to the claim. *Pitney Bowes, Inc. v. Hewlett -Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165-66 (Fed. Cir. 1999). As argued above, the preamble describes the web that is recited in each of the four steps in claim 25. Thus, the application of a flowable substance in a tobacco handling operation is the invention.

Hidaka discloses either a polyester fiber or film as the object to which the adhesive is applied. This is not a web used in the tobacco industry. Hidaka also fails to disclose that the film or polyester fiber moves in a predetermined path. There is no disclosure of “confining the web to movement along a predetermined path”, as required by independent claim 25.

**Hidaka Does Not Disclose Advancing the Web lengthwise Along said Path at a Variable Speed as Required by the Present Claims.**

Hidaka simply discloses that the fiber “was run at 50m/min at the position 30 mm below

the nozzle” (column 6, lines 65-67 of Hidaka) or that a film “was run at 300 m/min” (column 7, line 22 of Hidaka), and in both cases, the adhesive was discharged at 20g/min. That is, at most, Hidaka suggests that either a polyester fiber or film be run at a constant speed when the adhesive is applied and that a constant amount of adhesive is applied **regardless** of the speed of the object to which the adhesive is applied. The 50 m/min running creates a pattern of adhesive as shown in Fig. 15. The experimental example that is run at 300 m/min opens up the mesh of the adhesive that is applied. There is no suggestion of advancing the web (fiber or film) at a **variable** speed in Hidaka, as it teaches a constant speed and the same discharge rate of adhesive for each experimental example. Hidaka shows different adhesive patterns depending upon the speed of the application, but does not disclose, teach or suggest that one pattern is better than another.

Nor does Hidaka disclose advancing the fiber or film to be applied with adhesive *at a variable speed* as required by independent claim 25. Hidaka teaches that one choose the type of application desired and then run the fiber or film at the constant speed accordingly. Hidaka discloses different but *fixed* speeds depending upon the application desired.

### **Pollentzke Teaches a Linear Application of Adhesive to a Web in the Tobacco Industry**

The paster 19 of Pollentzke applies adhesive in a linear manner in the margin 37 of Figure 3 of Pollentzke. Thus, Pollentzke teaches applying adhesive in a linear manner to a web of wrapping material for rod-shaped products of the tobacco industry. Consequently, Pollentzke teaches one of ordinary skill in the art **to apply adhesive linearly to a web of the**



**tobacco industry.**

Thus, one of ordinary skill in the art confronted with the problems of contamination of the tobacco product due to too much adhesive would consider the teachings of Pollentzke before they would consider the spray nozzle teachings of Hidaka to solve this problem. Contrary to the problem solved by the present invention, Pollentzke teaches that the quantity of adhesive is **increased** when the speed of the web is **reduced**. Increasing the amount of adhesive while the web speed slows down would not solve the problem of contamination of tobacco due to too much adhesive being applied. That is, one of ordinary skill in the art would not be motivated to increase the amount of adhesive when the web slows down to overcome the problem solved by the present invention. Further, Pollentzke fails to disclose a non-linear stream of flowable substance with a rotating of the stream by a flow of a fluid substance, as required by the claimed invention.

Thus, neither Hidaka nor Pollentzke disclose each of the recited method steps. Hidaka teaches that the rate of discharge of the adhesive remains constant regardless of the speed of the object to product different adhesive spray application patterns with a non-linear spray. It is submitted that one of ordinary skill in the art would not have modified Hidaka to be used with tobacco products nor would one modify Hidaka to move the object at variable speeds and with the rate of the adhesive varying based on the speed of the object, as required by the claimed invention. That is, Hidaka would lead one away from the claimed invention in that it teaches a non-linear spray pattern where the speed of the object is constant and the amount of substance discharged from the non-linear spray pattern is constant regardless of the speed of

the object. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983).

**The Spray Nozzle of Hidaka in a Different Technological Field Than that of the  
Claimed Invention and Pollentzke**

Hidaka teaches a spray nozzle that is totally remote from the problems related to wrapping material for rod-shaped products of the tobacco-processing industry. Hidaka fails to teach any of the recited method steps, but does disclose a spray nozzle having an opening through which adhesive is applied and pressurized air nozzles which surround the opening. Hidaka teaches different fixed speeds for moving an object to which adhesive is applied. Hidaka does not disclose, teach or suggest that more adhesive should be pumped out if the speed of advancement of the object is greater. To the contrary, Hidaka discloses the same adhesive discharge rate regardless of the speed of the object and that the different fixed speeds produce different mesh opening of the adhesive pattern. Thus, Hidaka teaches against this modification and there is no motivation to modify Hidaka to vary the amount of adhesive based on the function of the speed of the object to which the adhesive is applied. Hidaka teaches different adhesive application patterns result when the speed of the object changes and the rate of adhesive discharge is constant. Thus, Hidaka teaches against changing the rate of adhesive if the speed of the object changes because if one did, the different adhesive application patterns taught by Hidaka would be destroyed.

Moreover, where the teachings of the prior art conflict, the Examiner must weigh the suggestive power of each reference. Hidaka teaches no variable speed for moving an object and teaches that the rate of adhesive discharge is constant in a non-linear spray pattern. On the other hand, Pollentzke teaches that a linear adhesive applicator is used and the rate of adhesive discharge is **inversely proportional** to the speed of the web. Thus, there is no teaching or suggestion to mix the two technologically different adhesive applicators. Further, in order to solve the problem of too much adhesive, one would not be motivated to modify Hidaka to increase the amount of adhesive when the object is slowed. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggest the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430.

Consequently, it is unclear why one of ordinary skill in the art would modify Hidaka to 1) confine a web of wrapping material for rod-shaped products of the tobacco-processing industry; 2) advance the web lengthwise along the path at a variable speed; and 3) **discharge the adhesive at rate which is the function of the speed of advancement of the web** along the predetermined path as required by claim 25. Clearly, the proposed modification changing the rate of adhesive discharge based upon the speed of the object is not the intended purpose of Hidaka and thus, there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

**Pollentzke Teaches a Non-linear Application of Adhesive Where the Quantity of Adhesive is Inversely Proportionate to the Speed of the Web**

Pollentzke fails to disclose, teach or suggest the “directing step” of claim 25 where the stream of flowable substance is directed in a non-linear manner toward one side of the web and the stream is rotated as it is discharged by a flow of a fluid substance against the stream. It is the Action’s position that one of ordinary skill in the art would substitute an adhesive applicator as taught by Hidaka with the linear applicator of Pollentzke. However, Hidaka teaches away from varying the amount of adhesive based on the speed of the object to which adhesive is applied. Thus, if the linear applicator was substituted with the spray nozzle of Hidaka, one of ordinary skill in the art would want to keep the web moving at a constant speed and would not vary the amount of adhesive discharged. Thus, even if Hidaka and Pollentzke were combined, the claimed invention would not result because Hidaka teaches away from varying the amount of adhesive based on the speed of the object to which adhesive is applied.

**2. Argument for claims 10-12**

Dependent claims 10-12 are patentable for their novel features and because they depend from allowable claim 25. Specifically, claim 10 recites “pumping the flowable substance from a source to the orifice [52] of the nozzle [50] at a variable pressure, and providing an . . . open and shut closure for the orifice” (See page 10, paragraph 25 of Appellant's substitute specification).

At page 3 of the Office Action mailed January 20, 2006, the Examiner states that “the use

of nozzles to apply adhesives inherently requires the presence of some pressure.” It is respectfully submitted that “some pressure” is not the recited “pumping the flowable substance ... **at a variable pressure**” (claim 10, emphasis added). Nowhere in either Hidaka or Pollentzke is there any discussion of variable pressure to pump adhesive. In fact, Hidaka discloses one rate for pumping the adhesive. Pollentzke discloses a pump 38, but does not discuss the pressure of the adhesive as it moves through the pump. Thus, neither Hidaka nor Pollentzke disclose pumping the flowable substance at a variable pressure. In the absence of a specific teaching, it that these references teach constant pressure.

The specification of Hidaka and Pollentzke recite no structure that would provide the ability to pump a flowable substance at a variable pressure. Figure 2 of Appellant's specification discloses system 68 where the quantity of adhesive administered is dependent upon the speed of the web 27, as measured by sensor 64. This system allows for the provision of variable pressure as required by the varying speed of the web. One of ordinary skill in the art would not be motivated to apply variable pressure to the invention of Hidaka. Therefore, the pumping of flowable adhesive at a variable pressure, in response to variable advancement of the web, as required by present claim 10, is not rendered obvious. Accordingly, reversal of the rejection is requested.

Claim 11 depends from method claim 10 and recites the additional step of “raising the pressure of the flowable substance to a predetermined value prior to the opening of the orifice [52]” during the pumping step (see page 10, paragraph 23 of substitute specification). That is, the variable pressure of claim 10 must be raised prior to the opening of the orifice valve 92. It is

the Examiner's position that the raising the pressure of the flowable system to a predetermined value prior to opening the orifice would be inherent in the system (see Office Action, page 3). However, in the absence of any disclosure or provision for pumping the flowable substance at a variable pressure, it would certainly not be obvious to raise the variable pressure of the flowable substance to a predetermined value prior to the opening of the orifice, as required by claim 11. Accordingly, reversal of the rejection of claim 11 under 35 U.S.C. § 103(a) is requested.

Claim 12 depends from claim 11 and further specifies that the opening of the orifice 52 can occur approximately 0.5 seconds after raising the pressure of the flowable substance to the predetermined value (see page 10, paragraph 23 of substitute specification). According to the Examiner, this method step is met by the inherency statement on page 3 of the Office Action. As stated above, neither Hidaka nor Pollentzke discloses pumping the flowable substance at variable pressure, as required by present claim 12. Therefore, any modified method of Hidaka or Pollentzke cannot further disclose the step of **opening the orifice approximately 0.5 second after raising the pressure**. Accordingly, the rejection of claims 10-12 under 35 U.S.C. § 103(a) is inappropriate and must be withdrawn.

### **3. Argument for claim 24**

Claim 24 recites that “the flow directing step includes causing the fluid substance to flow along a pre-selected path prior to and during issuance of the stream from the orifice of the nozzle” 52, as disclosed at page 10, paragraph 22, in Appellant's specification . The Examiner is silent as to where either Hidaka or Pollentzke discuss this method step. The Office Action does

not point to any specific area of either specification to support a rejection of this method step, and in the absence of such support, the rejection of claim 24 cannot stand.

#### **4. Argument for claim 15**

Regarding claim 15, the step of discharging the flowable substance includes “varying the rate of discharge of flowable substance proportionately with variations in of speed in the web.” While Pollentzke discloses moving the web at a nominal speed and applying a nominal amount of adhesive in column 8, lines 11-16, Pollentzke does not teach varying the amount of discharge with variations of speed. Instead, Pollentzke teaches that with a constant speed (e.g., nominal), a constant amount of adhesive (e.g., nominal) is discharged. Pollentzke further discloses increasing the amount of discharge, if the speed of the web decreases. This is the only variation of the discharge that Pollentzke discloses and one of ordinary skill in the art would not consider increasing the amount of adhesive while the web is slowing down as they would apply more adhesive to the web as taught by Pollentzke in order to overcome the problem. Thus, Appellant believes that the Examiner misses the point of the claimed invention. The step of discharging the rate of the flowable substance proportionally with a web that is being advanced at a variable speed, as required by claim 15, may be disclosed by Pollentzke, but one of ordinary skill in the art would not have been motivated to modify Hidaka, as argued above. Therefore, the rejection of claim 15 under 35 U.S.C. 103(a) is not appropriate and should be withdrawn

## **5. Argument for Claim 16**

The Examiner does not address the features of claim 16: “discharging the flowable substance includes discharging the flowable substance from the orifice at a rate of at least two grams per minute.” Hidaka discloses 20 grams/minute for its non-linear spray pattern. Pollentzke is silent on any ranges for discharging a flowable substance. In the absence of such disclosure in the tobacco processing industry, it is not clear how one of skill in the art would arrive at the rate of "at least 2 grams per minutes" as required by claim 16 (see present specification at pages 24-25, paragraph 54). This is especially so when the reference that teaches a non-linear patterns discloses ten times the claimed range. Therefore, the rejection of claim 16 under 35 U.S.C. § 103(a) should be withdrawn.

## **6. Argument for Claim 26**

Claim 26 specifically recites that the “rate of discharge of the flowable substance is directly proportional to the speed of the web.” That is, if the web moves quickly, the rate of discharge is increased. Pollentzke teaches an inverse proportional discharge (i.e., web speed decreases, amount of adhesive increases). Not only would one of ordinary skill in the art not include an inversely proportional teaching of web rate and adhesive discharge to be directly proportional as required in claim 26, one of ordinary skill in the art would not have considered such a teaching to overcome the problem of contamination of tobacco due to too much adhesive. There is no margin whatsoever for an interpretation of “directly proportional” to include “inversely proportional”.

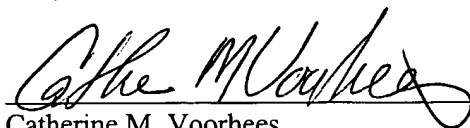


Pollentzke discloses that the “applied (nominal) quantity of adhesive is **constant** or at least nearly constant and is selected in such a way that the applied adhesive suffices to ensure reliable and predictable bonding” in column 8, lines 22-26. That is, Pollentzke does not disclose moving the web at a variable speed and discharging the adhesive at a rate which is the function of the speed of advancement of the web where the web speed and adhesive rate are directly proportional, as required by claim 26. Therefore, the rejection of claim 16 under 35 U.S.C. § 103(a) should be withdrawn.

**(8) CONCLUSION**

For the foregoing reasons, it is respectfully submitted that claims 4-8, 10-12, 15-18, 24-26 are patentable over any combination of Hidaka and Pollentzke. Accordingly, the Examiner's rejection of these claims should be reversed.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Catherine M. Voorhees", is written over a horizontal line.

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Date: June 19, 2006

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**(9) CLAIM APPENDIX**

Claims 1-3 (canceled).

Claim 4 (previously presented): The method of claim 25, wherein the fluid substance is air.

Claim 5 (previously presented): The method of claim 25, wherein said stream directing step includes imparting to the stream the shape of a hollow cone having an apex in line with the orifice of the nozzle.

Claim 6 (original): The method of claim 5, wherein said flow directing step includes causing the flow to impinge upon the stream at an acute angle.

Claim 7 (original): The method of claim 6, wherein said angle at least approximates 30°.

Claim 8 (original): The method of claim 6, wherein said flow is substantially tangential to said cone.

Claim 9 (canceled).

Claim 10 (previously presented): The method of claim 25, further comprising the steps of pumping the flowable substance from a source to the orifice of the nozzle at a variable pressure and providing an open-and-shut closure for the orifice.

Claim 11 (original): The method of claim 10, wherein said pumping step includes raising the pressure of the flowable substance to a predetermined value prior to opening of the orifice.

Claim 12 (original): The method of claim 11, wherein the opening of the orifice takes place approximately 0.5 second subsequent to raising of the pressure of flowable substance to said predetermined value.

Claims 13-14 (canceled).

Claim 15 (original): The method of claim 14, wherein said step of discharging the flowable substance includes varying the rate of discharge of flowable substance proportionally with variations of the speed of the web.

Claim 16 (original): The method of claim 14, wherein said step of discharging the flowable substance includes discharging the flowable substance from the orifice at a rate of at least 2 grams per minute.

Claim 17 (previously presented): The method of claim 25, wherein the non-linear layer is a spiral layer.

Claim 18 (previously presented): The method of claim 25, wherein the flowable substance is

an adhesive.

Claims 19-23 (canceled).

Claim 24 (previously presented): The method of claim 25, wherein said flow directing step includes causing the fluid substance to flow along a preselected path prior to and during issuance of the stream from the orifice of the nozzle.

Claim 25 (previously presented) A method of applying a flowable substance to a web of wrapping material for rod-shaped products of the tobacco industry, the method comprising the steps of:

confining the web to movement along a predetermined path;

directing at least one stream of flowable substance along the predetermined path in an at least partially non-linear manner toward one side of the web, wherein said directing step includes the utilization of a nozzle having an orifice which discharges the at least one stream of flowable substance, and includes rotating the stream, wherein said rotating step includes directing against the stream at least one flow of a fluid substance;

advancing the web lengthwise along said path at a variable speed; and

discharging the flowable substance from the orifice at a rate which is a function of the speed of advancement of the web along said predetermined path.

Claim 26 (previously presented): The method of claim 25 wherein the rate of discharge of the

flowable substance is directly proportional to the speed of the web.

**(10) EVIDENCE APPENDIX**

None

**(11) RELATED PROCEEDINGS APPENDIX**

None

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